



ORDINANCE NO. 2434

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE DEVELOPMENT STANDARDS AND PERMITTED USES OF THE PLANNED DEVELOPMENT NO. 22 ZONING DISTRICT (PD-22); INCLUDING APPROXIMATELY 305 ACRES OF PROPERTY GENERALLY BOUNDED BY THE COOKS BRANCH CREEK, INCLUDING THE CREEK/DRAINAGE CHANNEL AND ADJOINING LEVEES, TO THE SOUTH; RAILROAD RIGHT-OF-WAY OWNED BY THE CITY OF DALLAS WATER UTILITIES TO THE EAST; AND THE CITY OF FARMERS BRANCH CITY LIMITS TO THE WEST AND NORTH; EXCLUDING APPROXIMATELY 4.587 ACRES OUT OF THE J. A. ARMSTRONG ABSTRACT NO. 28; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the existing Planned Development No. 22 (PD-22) zoning district, as amended; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the development standards and permitted uses of the Planned Development No. 22 (PD-22) zoning district, approximately 305 acres in area, as set forth in Exhibit "C". Said property being shown on Exhibit "A" and more specifically described as follows:

The tracts of land bounded by the Cooks Branch Creek, including the creek/drainage channel and adjoining levees, to the south; railroad right-of-way owned by the City of Dallas Water Utilities to the east; and the City of Farmers Branch city limits to the north and west; EXCLUDING approximately 4.587 acres of land within the J. A. Armstrong Abstract No. 28 and more specifically described in Exhibit "B".

SECTION 3. That all uses in the Planned Development No. 22 zoning district (PD-22) shall conform in operation, location and construction to the development standards as set forth in Exhibit "C", and to the extent not in conflict with Exhibit "C", to the development and performance standards as established by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas.

SECTION 4. That the above described tracts of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas as heretofore amended, and as amended herein.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

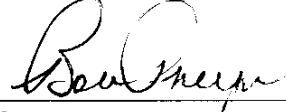
SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

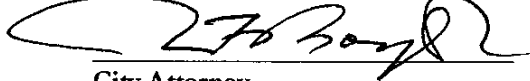
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS,** on this the 7th of December, 1998.

APPROVED:



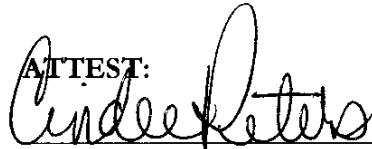
Mayor

APPROVED AS TO FORM:



City Attorney

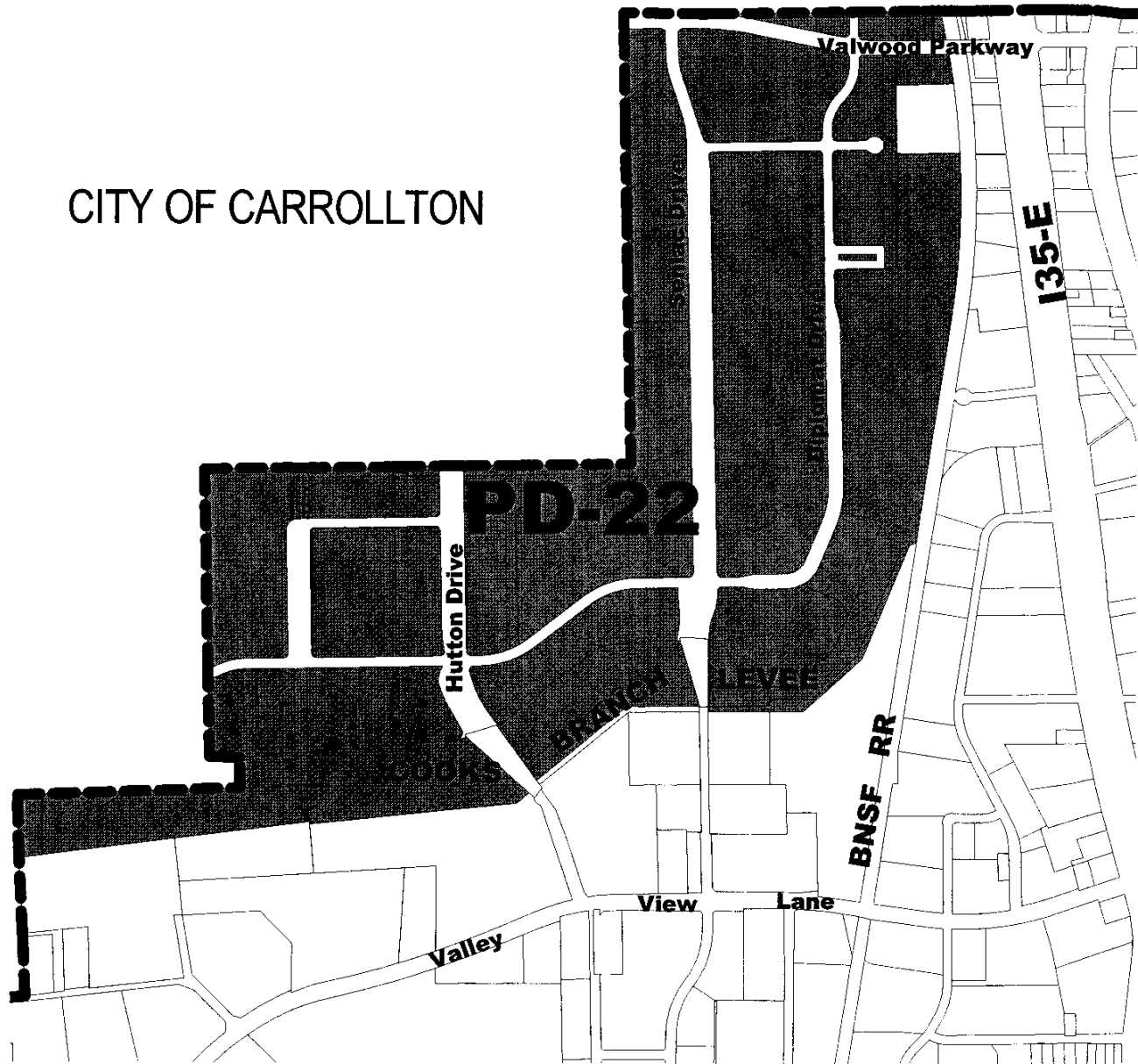
ATTEST:



City Secretary

Exhibit A

CITY OF CARROLLTON



 Farmers Branch City Limits
PD 22 Zoning District Amendment Area
Farmers Branch Parcels

400 0 400 800 Feet




EXHIBIT "B"

Being a 4.587 acre tract of land situated in the Joseph A. Armstrong Survey, Abstract No. 28, Dallas County, Texas, and being the same Tract Four described in a Deed from William L. Groth, Jr. to William L. Groth, III dated April 14, 1972 recorded in Volume 72160, Page 0271, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at 5/8 inch iron pin found for corner in the West line of the said Joseph A. Armstrong Survey, said point being south 00 degrees 36 minutes 37 seconds West, 211.27 feet from the south right-of-way of Valwood Parkway (a 100 feet right-of-way), said point being the northwest corner of that certain Tract Four described in a Deed from William L. Groth, Jr. to William L. Groth, III, dated April 14, 1972 recorded in Volume 72160, Page 0271, Deed Records of Dallas County, Texas.

THENCE North 89 degrees 50 minutes 00 seconds east along the north line of said tract, a distance of 390.86 feet to a 5/8 inch iron pin found for corner in the west right-of-way line of C.R.I. & G. Railroad tract (100 R.O.W.) at the beginning of a non-tangent curve to the right having a radius of 5679.58 feet, a central angle of 4 degrees 54 minutes 15 seconds and a chord that bears south 04 degrees 24 minutes 09 seconds east, 485.99 feet;

THENCE along said curve the right an in a southerly direction along the west line of said C.R.I. & G Railroad tract an arc distance of 486.14 feet to a 5/8 inch pin found for corner, in the south line of said tract;

THENCE North 89 degrees 38 minutes 04 seconds West, along the south line of said tract, a distance of 430.22 feet to a 5/8 inch iron pin found for corner, at the southwest corner of said tract, a point in the west line of said J.A. Armstrong Survey;

THENCE North 00 14 minutes 40 seconds East, along the west line of said J.A. Armstrong Survey, a distance of 480.68 feet to the Point of Beginning and containing 4.578 acre of land, more or less.

(199,801 square feet of land)

EXHIBIT "C"
DEVELOPMENT STANDARDS
FOR PLANNED DEVELOPMENT ZONING DISTRICT
NUMBER 22 (PD-22)

The following standards shall be considered in the design, location, and siting of structures and other development features within the Planned Development No. 22 (PD-22) zoning district. A comprehensive site plan will be required for each development as described in paragraph 8-502 of the Comprehensive Zoning Ordinance.

The PD-22 zoning district allows variances to the District's development standards to be requested by the developer and those requests to be considered as part of the site plan approval process. Such variances do not require a finding of hardship to justify their approval. Good design, sound planning principles and equitability should be considered in regards to these types of variances.

I. USES PERMITTED:

Educational, Institutional & Special Uses (Article 8, Section 102)

art gallery or museum	
church or rectory	<i>with a specific use permit</i>
college or university	
community center (public)	
day nursery or kindergarten school	<i>with a specific use permit</i>
hospital (general acute care)	
hospital (chronic care)	
institutions of religious or philanthropic nature	
library (public)	
park, playground or public community center	
school, private primary or secondary	
school, public or denominational	
school, business or trade	
dental assistants training school	
adult daycare	<i>with a specific use permit</i>

Utility, Accessory and Incidental (Article 8, Section 103)

accessory building
community center (private)
electrical generating
electrical substation
electrical transmission line
fire station or similar public safety building
gas transmission line and metering station
local utility distribution lines

off-street parking incidental to the main use
public utility shop or storage
public building, shop or yard
 of local, state or federal government
radio or television micro-wave tower *with a specific use permit*
servants quarters or caretakers *with a specific use permit*
swimming pool (private)
telephone, business office
telephone line and exchange switching or relay station
water reservoir, water pumping station or well
water treatment plant

Recreational and Entertainment Uses (Article 8, Section 104)

park or playground (public)
playfield or stadium (public)
private club *with a specific use permit*

Transportation Related Uses (Article 8, Section 105)

bus station or terminal
hauling or storage company
railroad freight terminal
railroad passenger station
railroad track or right-of-way
parking lot truck *with a specific use permit*
parking lot or structure commercial
heliports *with a specific use permit*

Automobile and Related Service Uses (Article 8, Section 106)

auto or motorcycle sales and repair (in building) *with a specific use permit*

Retail and Service Type Uses (Article 8, Section 107)

antique shop
bakery or confectionery shop(retail)
cafeteria
cleaning and pressing small shop and pickup
customer personal service shop
drapery, needlework or weaving shop
florist or garden shop
greenhouse plants or nursery stock(retail) *with a specific use permit*
household appliance repair
laundry or cleaning self service
mimeograph, stationery or letter shop
offices, professional and administrative
retail stores and shops other than listed

massage studio *with a specific use permit*
small handtool and hand carried equipment (indoor)
optical shops
travel agencies

Sign and Identification Uses (Article 8, Section 108)

name plate
sign, real estate
sign, construction
sign, institutional
sign, on-premise

Agricultural Type Uses (Article 8, Section 109)

greenhouse or plant nursery (commercial) *with a specific use permit*

Commercial Type Uses (Article 8, Section 110)

bakery (wholesale)
building material sales
cabinet and upholstery shop
clothing manufacture or light compounding or fabrication
contractors shop and storage yard *with a specific use permit*
engine & motor repairing
job printing or newspaper printing
laundry plant (commercial)
milk depot, dairy or ice cream plant
paint shop
petroleum products storage-wholesale
plumbing shop
scientific or research laboratories
storage or sales warehouse
trade or commercial school
transfer, storage & baggage terminal
wholesale office and sample room
cleaning & dyeing plant (commercial)

Special Industrial Processes (Article 8, Section 112)

welding or machine shop

General Manufacturing and Industrial Uses (Article 8, Section 113)

light manufacturing or industrial uses
inside paper sorting & bailing for recycling *with a specific use permit*

Miscellaneous Uses (Article 8, Section 114)

barber shop
beauty shop
banks & savings and loan associations
food processing
medical & dental offices and clinics
restaurant with drive-in service *with a specific use permit*
non drive-in restaurant
with outside sales window *with a specific use permit*
non drive-in restaurant
without outside sales window *with a specific use permit*
lift station (sewage)
municipal water tower
lab, medical or dental
paint, wallpaper and related (retail)
rodeo *with a specific use permit*
household appliance sales with minor service
snack and sandwich shops
mobile food prep vehicle
catering vehicle

Tires, Batteries and Accessories (Article 8-114a)

commercial parking lot for cars
new accessories and/or parts sales (retail only)
new accessories and/or parts sales (wholesale)
no installation
gasoline service station *with a specific use permit*
car wash primary use *with a specific use permit*
new-used auto parts retail or wholesale
(inside storage only)

Auto Repairs, Service and Installations (Article 8-114b)

general repairs (garage and auto repair) *with a specific use permit*
brake and alignment *with a specific use permit*
tune-up ignition carburation *with a specific use permit*
muffler, shock absorbers *with a specific use permit*
upholstery, tops, fabric, carpet, seat covers *with a specific use permit*
tires, batteries and accessories *with a specific use permit*
paint & body repair shop *with a specific use permit*
enclosed auto storage
manufacture or assembly of auto/trucks new *with a specific use permit*
re-building of auto parts (engine,
transmission, etc.) *with a specific use permit*

II. STREETS:

All streets shall be constructed in conformance with the major thoroughfare plan as to type and location, and the engineering design criteria of the City. The following standards shall be considered as a minimum for development within the PD-22 district:

Major Street (Divided):

Minimum right-of-way width.....	110 feet
Minimum roadway paving width.....	37 feet
Minimum number of roadways	2
Minimum median width.....	14 feet

Major Street (Undivided):

Minimum right-of-way width.....	100 feet
Minimum roadway paving width.....	73 feet

Secondary Street (Divided):

Minimum right-of-way width.....	84 feet
Minimum roadway paving width.....	25 feet
Minimum number of roadways	2
Minimum median width.....	14 feet

Secondary Street (Undivided):

Minimum right-of-way width.....	70 feet
Minimum roadway paving width.....	49 feet

Minor Street (Undivided):

Minimum right-of-way width.....	64 feet
Minimum roadway paving width.....	44 feet

III. BUILDING SETBACKS:

Front: Structures shall be setback a minimum distance from the right-of-way line of streets as identified below, and such setbacks shall be required on all sides of any structure facing on a street. Setbacks shall apply to all parts and variations in heights of structures.

Valwood Parkway – Structures shall be setback a minimum of 50 feet from the street right-of-way line.

All Other Streets – Structures shall be setback from the street right-of-way line a distance equal to the height of the structure, but no less than 25 feet.

Side: A minimum side yard setback of ten feet shall be required from side property lines.

Rear: A minimum rear yard setback of ten feet shall be required from rear property lines.

IV. SITE COVERAGE:

No building or accessory buildings shall be constructed which, in the aggregate, would cover more than 50 percent of the total lot area. The remaining area may be utilized for surface parking or maneuvering area, and landscaping.

V. OFF-STREET PARKING:

Off -street parking shall be provided adequate for all of the parking requirements of the use to eliminate totally the need for on-street parking. As a minimum, the following shall be required, whichever is greater:

Parking in relation to personnel:

- 1 space for each 1 ½ production or warehousing employee
- 1 space for each managerial personnel
- 1 visitor space for each 10 managerial personnel

Parking in relation to building area (total floor area):

- 1 space for each 1,000 square feet of gross floor area used for warehousing and distribution
- 1 space for each 500 square feet of gross floor area used for production or manufacturing
- 1 space for each 300 square feet of gross floor area used for office

Site Positioning – Off-street parking shall be setback from the right-of-way line of streets as described following, and such setbacks shall be required along all streets.

Valwood Parkway: The minimum paving setback shall be 50 feet from the street right-of-way line.

All Other Streets: The minimum paving setback shall be 15 feet from the street right-of-way line.

VI. LOADING AND MANEUVERING:

Adequate area shall be required on the property for all loading and maneuvering of trucks and other vehicles such that such operations will not be carried out in the streets, and such areas shall be located and screened as described following:

- Major Street:** No loading doors shall face the street nor be placed on the sides of buildings for a distance of 65 feet from the building setback line.
- Secondary Street:** Loading doors may face the street provided that the building is setback a minimum of 80 feet from the street right-of-way and that screening is provided in accordance with requirements as established herein. Loading doors may be located on the sides of buildings closer than 65 feet from the building setback line provided that screening is provided in accordance with requirements as established herein.
- Minor Street:** Loading doors may face the street provided that the building is setback a minimum of 80 feet from the street right-of-way line and that screening is provided in accordance with requirements as established herein. Loading doors may be located on the sides of buildings.

VII. SCREENING:

All roof-mounted equipment shall be screened on all sides.

Any allowed outside storage shall be screened from all sides on a street. All loading areas requiring screening shall be screened on all sides fronting on a street. Screening shall, at a minimum, consist of a solid masonry wall of the same or similar materials and finish as the main structure, a minimum of 6 feet and a maximum of 8 feet in height, and shall be architecturally consistent with the adjoining structure. Gates, if provided at drives, need not be solid or opaque. The type and location of screening shall be shown on the site plan and such screening shall be located no closer than 15 feet to a street right-of-way line.

As an alternative screening, a landscaped area adjacent to the street of at least 25 feet in width with an earthen berm averaging 5 feet in height.

Buildings that have truck loading areas located on the side of the structure or automobile parking forward of the building setback line shall provide a three foot tall, landscaped earthen berm located along the street right-of-way within the required setback area.

Buildings that do not have truck loading doors along the front or side of the structure and no automobile parking forward of the building line are not required to have an earthen berm along the street right-of-way. However, all vehicle parking areas visible from the street shall be screened by an evergreen shrubbery hedge having a minimum height of 30 inches.

All earthen berms shall vary in height to avoid a visual appearance of a straight-line levee.

VIII. OUTSIDE STORAGE:

Outside storage shall be allowed only subject to approval of a Specific Use Permit (SUP), either as an accessory use or a primary use. No outside storage shall be allowed on any side of a building fronting a street. All other outside activities, either a primary use or an accessory use, shall be screened on all sides fronting on a street and no allowed outside storage may extend above the height of the screening wall or fence.

IX. SITE LANDSCAPING:

A landscape plan shall be required for each site. A minimum of 5 percent of the total property area shall be landscaped between the building and all street right-of-way lines. As a minimum, the following shall be required:

Major Street: Paving areas (except drives situated perpendicular to street right-of-way) placed closer than 50 feet to the street right-of-way line shall be screened from the street with a landscaped earthen berm averaging 3 feet in height. Where no paving is forward of the building line, trees shall be installed in the front yard at irregular intervals at the rate of no less than one tree per 30 lineal feet of front property line.

Secondary Street: Paving areas (except drives) placed forward of the building setback line shall be screened from the street with a landscaped earthen berm averaging 3 feet in height. Where no paving is forward of the building line, trees shall be installed in the front yard at irregular intervals at the rate of no less than one tree per 30 lineal feet of front property line.

Minor Street: Paving areas shall have a minimum setback of 15 feet from the street right-of-way line. The area forward of the paving setback shall be planted with trees or other vertical landscape material at the rate of no less than one tree per 30 lineal feet of front property line.

X. SIGNS:

No off-premise signs, billboards, or advertising signs other than those identifying the user, nature of the business, and products shall be allowed. All signs shall be affixed at ground level or on the face of the building.

Attached Signs: Only one sign shall be permitted on the building for each tenant in the building. Signs shall be of a design and material similar to and architecturally consistent with the building itself.

The total area of all signs affixed to a building façade shall not exceed five (5) percent of the façade to which the signs are affixed.

Monument signs:

Only one monument sign per lot is permitted. The maximum area allowed for monument signs is 40 square feet with a maximum height of four (4) feet. Monument signs shall be setback a distance of no less than ten (10) feet from the street right-of-way line.

Other Signs: The only other allowed signs would be of a directional nature, or temporary signs indicating “for sale” or “for rent”.